

POLICY TITLE LOUD AND UNRULY GATHERING (PARTY) ORDINANCE

POLICY STATEMENT:

The Santa Cruz City Council does not intend that every call for police service with respect to neighborhood noise and party issues will necessarily result in tenants and landlords involved being identified as subject to the “Loud and Unruly Gathering Ordinance.” Often the police are called by overly sensitive neighbors, or the party about which they are called is annoying a neighbor without being so “loud and unruly” as to justify official warnings, fines or the payment of city costs. Sometimes, a simple warning to “turn down the music” or to “go inside and keep the noise down” will suffice without further criminal or civil sanctions. Using their discretion, police officers may even, on occasion, decide to break up a party and send people home without believing the party is so unruly as to deserve the sanctions provided under Municipal Code Chapter 9.37.

It may also be the case that the residents of a house, rather than the neighbors, call the police to deal with outsiders who have “crashed” a party without an invitation and the residents are very cooperative in helping the police to identify the uninvited guests and willing to prosecute them for invading their home. It is certainly not the intent of the Santa Cruz City Council to warn or fine or charge city fees to the residents or landlords of a house in such a situation, but rather to hold the guilty individuals responsible. (Notwithstanding this comment, calling the police after the neighbors have called would hardly be a defense against the police implementing Chapter 9.37.)

With the adoption of Policy 27.2, Council clarified that the ordinance does not pertain to traditionally protected First Amendment activities.

However, when the police arrive at the scene in response to a call from one or more neighbors and find one or more of the following kinds of common problems—huge crowds, drunken and out-of-control behavior, destruction and abuse of neighborhood property, excessive noise, fights, public urination, drinking by minors, hostility and lack of cooperation with police on the part of residents and party attendees—the provisions of the Loud and Unruly Gathering Ordinance will be invoked by the responding officer or officers.

It is expected that the Police Department will develop its own General Orders and appropriate training to implement the intent of the Loud and Unruly Gathering Ordinance as described here generally in this Council Policy.

AUTHORIZATION: Motion, July 26, 2005

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